

1 AN ACT in relation to private sewage disposal.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Private Sewage Disposal Licensing Act is  
5 amended by changing Sections 11, 12, and 19 and adding  
6 Section 18.1 as follows:

7 (225 ILCS 225/11) (from Ch. 111 1/2, par. 116.311)

8 Sec. 11. Violation; notice. Whenever the Department  
9 determines that there are reasonable grounds to believe that  
10 there has been violation of any provision of this Act or the  
11 rules and regulations issued under this Act, the Department  
12 shall give notice of such alleged violation to the person to  
13 whom the license was issued, as herein provided. Such notice  
14 shall:

15 (a) be in writing;

16 (b) include a statement of the reasons for the  
17 issuance of the notice;

18 (c) allow reasonable time as determined by the  
19 Department, but not exceeding the time limits imposed  
20 under Section 18.1, for the performance of any act it  
21 requires;

22 (d) be served upon the owner, operator or licensee  
23 as the case may require; provided that such notice or  
24 order shall be deemed to have been properly served upon  
25 such owner, operator or licensee when a copy thereof has  
26 been sent by registered or certified mail to his last  
27 known address as furnished to the Department; or, when he  
28 has been served with such notice by any other method  
29 authorized by the laws of this State; and

30 (e) contain an outline of the remedial action that,  
31 which is required to effect compliance with this Act and

1 the rules and regulations issued under this Act.

2 (Source: P. A. 78-812.)

3 (225 ILCS 225/12) (from Ch. 111 1/2, par. 116.312)

4 Sec. 12. Noncompliance; notice. The Department must, in  
5 any proceeding to suspend, revoke, or refuse to issue a  
6 license, first serve or cause to be served upon the  
7 applicant, or licensee a written notice specifying the way or  
8 ways in which the such applicant or licensee has failed to  
9 comply with this Act, or any rules, regulations, or standards  
10 promulgated by the Department pertaining thereto. In the  
11 case of a revocation or suspension, this notice shall require  
12 the licensee to remove or abate the such violations and any,  
13 insanitary or objectionable condition, specified in the such  
14 notice, within 5 days or within a longer period of time as  
15 may be allowed by the Department, but not exceeding the time  
16 limits imposed under Section 18.1. If the licensee fails to  
17 comply with other terms and conditions of the notice, within  
18 the time specified or such extended period of time, the  
19 Department may revoke or suspend the such license. If an  
20 applicant fails to comply with this Act or, rules, or  
21 regulations, or standards promulgated under this Act, the  
22 Department may refuse to issue a license.

23 (Source: P. A. 78-812.)

24 (225 ILCS 225/18.1 new)

25 Sec. 18.1. Time limits for remedial action. Whenever a  
26 person is required to take action to correct a violation of  
27 this Act or the rules adopted under this Act, that remedial  
28 action must be:

- 29 (1) begun within 30 days after receipt of the  
30 notice specifying the required remedial action, or within  
31 such shorter time as may be specified in the notice or  
32 established by order, statute, or rule; and

1           (2) completed within 90 days after receipt of the  
 2           notice specifying the required remedial action, or within  
 3           such shorter time as may be specified in the notice or  
 4           established by order, statute, or rule.

5           (225 ILCS 225/19) (from Ch. 111 1/2, par. 116.319)

6           Sec. 19. Civil and criminal penalties.

7           (a) Any person who violates this Act or any rule or  
 8           regulation adopted by the Department under this Act or who  
 9           violates any determination or order of the Department under  
 10           this Act shall be guilty of a Class A misdemeanor and shall  
 11           be fined a sum not less than \$100. Each day's violation  
 12           constitutes a separate offense.

13           (b) In addition to any other penalty provided under this  
 14           Act, the Department (or a unit of local government acting  
 15           under Section 10) in an administrative proceeding, or the  
 16           court in an action brought under subsection (c) of this  
 17           Section, may impose upon any person who violates this Act or  
 18           any rule or regulation adopted under this Act, or who  
 19           violates any determination or order of the Department under  
 20           this Act, a civil penalty not exceeding \$1,000 for each  
 21           violation plus \$100 for each day that the violation  
 22           continues.

23           (c) The State's Attorney of the county in which the  
 24           violation occurred, or the Attorney General ~~may~~ shall bring  
 25           such actions for the enforcement of this Act and the rules  
 26           adopted and orders issued under this Act, in the name of the  
 27           People of the State of Illinois, ~~and~~ ~~or~~ may, in addition to  
 28           other remedies provided in this Act, bring an action for an  
 29           injunction to restrain any actual or threatened such  
 30           violation, or to enjoin the operation of any such  
 31           establishment operated in violation, or to impose or collect  
 32           a civil penalty for any violation.

33           (Source: P. A. 78-812.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.